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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,186	10/14/2003	Anthony Robert Knoerzer	CFLAY.00193	4198
22858	7590	02/03/2006	EXAMINER	
CARSTENS & CAHOON, LLP			CHAN, SING P	
P O BOX 802334			ART UNIT	
DALLAS, TX 75380			PAPER NUMBER	
			1734	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/685,186

Applicant(s)

KNOERZER ET AL.

Examiner

Sing P. Chan

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 23, 25, and 27 are rejected under 35 U.S.C. 103(a) as obvious over Avery (U.S. 2,391,539) in view of Kon et al (JP 62-62736).

Regarding claim 23, Avery discloses a method of forming labels. The method includes providing a roll of paper stocks, drawing the paper stocks and laminating the paper stocks to adhesive coated backing. (Page 1, Col 2, lines 31-48) The paper stock is also divided by cutting blades into separated strips that remain in contiguous edge-to-edge relationship as the strips are pressed with the laminating rolls into firm engagement with the adhesive on the backing (Page 2, Col 1, lines 36-50) and the strips can be removed from the backing and applied to any desired article (Page 2, Col 1, lines 62-65) and the laminated is capable of being use as a packaging material, which satisfying the requirement of intended use as a packaging film. Avery does not disclose the distance from slitting step to form a strip occurs within 1-24 inches from the pressing step. However, Kon et al discloses a method of forming laminated film, which provide a slitting step or slit wheel just before lamination, (See English Abstract of JP 62-62736) and furthermore, determination of the specific distance between the slitting and pressing steps would have been well within the realm of routine experimentation to

one of ordinary skill in the art at the time of the invention in view of the teaching of Kon et al that recognizes that the location, i.e. just before lamination, of the slitting step is ripe for optimization.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize this parameter in order to maintain the edge-to-edge orientation the strips in the method of Avery.

Regarding claim 25, Avery discloses pressing the paper stocks to the adhesive coated backing (Page 2, Col 1, lines 18-35), which would apply the adhesive to the paper stocks.

Regarding claim 27, Avery discloses the backing is glassine, which includes a release coating. (Page 2, Col 1, lines 4-9)

3. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Avery (U.S. 2,391,539) in view of Kon et al (JP 62-62736) as applied to claim 23 above, and further in view of Holmstrom et al (U.S. 4,256,791).

Avery as modified above is silent as to extruding a molten plastic layer between the layers. However, extruding a molten plastic layer between layers as adhesive is well known and conventional as shown for example by Holmstrom et al. Holmstrom et al discloses a method of laminating a material. The method includes extruding a plastic layer, i.e. adhesive layer, between the webs or layers prior to laminating with pressure rollers. (Col 4, lines 15-32)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to extrude the plastic material such as adhesive between the webs or layers of material as disclosed by Holmstrom et al in the method of Avery to provide any means of applying adhesive, which are well known and readily available.

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Avery (U.S. 2,391,539) in view of Kon et al (JP 62-62736) as applied to claim 23 above, and further in view of Wallace (GB 1,399,922).

Avery as modified above is silent as to a release coating is applied to the label or paper stocks. However, applying a release coating to the label well known and conventional as shown for example by Wallace. Wallace discloses a method of forming labels. The method includes applying a release coating to the strip of fabric labels prior to laminating with adhesive coated backing. (Page 1, line 84 to Page 2, line 14)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a release coating on the label as disclosed by Wallace in the method of Avery to provide a label that can be easily be removed from the adhesive coated backing. (See Wallace, Page 2, lines 10-12)

#### ***Response to Arguments***

5. Applicant's arguments, see Page 1, line 18 to Page 2, line 4, filed January 3, 2006, with respect to the rejection(s) of claim(s) 23-27 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Avery (U.S. 2,391,539), Holmstrom et al (U.S. 4,256,791), and Wallace (GB 1,399,922).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P. Chan whose telephone number is 571-272-1225. The examiner can normally be reached on Monday-Thursday 7:30AM-11:00AM and 12:00PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Chan Sing P.*

SPC

*CA Fiorilla*

CHRIS FIORILLA  
SUPERVISORY PATENT EXAMINER

*Au 1734*